

AMENDED IN ASSEMBLY JUNE 7, 2004

AMENDED IN SENATE MAY 7, 2003

AMENDED IN SENATE APRIL 28, 2003

SENATE BILL

No. 592

Introduced by ~~Senator~~ Senators Figueroa and Vasconcellos
(Principal coauthor: Assembly Member Dutra)

February 20, 2003

~~An act to amend Section 60061 of, to add Section 60200.9 to, and to add Chapter 1.5 (commencing with Section 60150) to Part 33 of, the Education Code, relating to public schools. An act to add Chapter 13 (commencing with Section 43003) to Part 24 of Division 3 of Title 2 of the Education Code, relating to schools.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 592, as amended, ~~Vasconcellos—Figueroa. Instructional materials: cost to state—School finance: parcel tax.~~

Existing property tax law limits the amount of ad valorem tax on real property to 1% of the full cash value of the property. Existing law also authorizes certain entities to levy special taxes, such as parcel taxes, subject to certain requirements.

This bill would authorize the Santa Clara County Board of Supervisors or the Santa Clara Board of Education to levy a countywide parcel tax of no more than 8 years in duration if an ordinance or resolution proposing the tax is approved by a majority vote of all the members of the Santa Clara County Board of Supervisors or the Santa Clara Board of Education, as applicable, and a $\frac{2}{3}$ vote of qualified voters in the county, as specified. The proceeds of the tax would be distributed by the Santa Clara County Board of Supervisors or the Santa

Clara County Office of Education to that entity, and to county school districts for purposes, and in the manner, specified in the local ordinance or resolution proposing the parcel tax.

This bill would make legislative findings and declarations as to the necessity of a special statute.

~~Existing law requires that a publisher or manufacturer of instructional materials offered for adoption or sale in California to comply with certain requirements, including, but not limited to, furnishing the instructional materials offered by the publisher at a price in this state that, including all costs of transportation to that place, does not exceed the lowest price at which the publisher offers those instructional materials for adoption or sale to any state or school district in the United States.~~

~~This bill would require a publisher or manufacturer of instructional materials offered for adoption or sale in California to furnish the instructional materials at a price in this state that, including all costs of transportation, is lower than, or at a minimum does not exceed, the lowest price at which the publisher offers those instructional materials for adoption or sale to any state or school district in the United States.~~

~~This bill would establish the Instructional Materials Cost Effectiveness Advisory Committee and would prescribe its membership and duties.~~

~~This bill would require the State Board of Education to consider, at a public hearing, prescribed instructional material costs prior to the adoption of criteria for the instructional materials.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 60061 of the Education Code is~~

2 *SECTION 1. Chapter 13 (commencing with Section 43003) is*
3 *added to Part 24 of Division 3 of Title 2 of the Education Code, to*
4 *read:*

5

6 *CHAPTER 13. VOTER-APPROVED SPECIAL TAXES*

7

8 *43003. (a) The Santa Clara County Board of Supervisors or*
9 *the Santa Clara County Board of Education may impose a*
10 *countywide parcel tax, the net proceeds from which will be*

distributed exclusively among county school districts and the county office of education, if all of the following conditions are met:

(1) An ordinance or resolution proposing the parcel tax is approved by a majority vote of all of the members of the Santa Clara County Board of Supervisors or the Santa Clara County Board of Education.

(2) The ordinance or resolution proposing the parcel tax is approved by a two-thirds vote of the qualified voters of the county voting in an election on the issue.

(3) The local ordinance or resolution proposing the parcel tax limits the imposition of the proposed tax to a period not to exceed eight years in length.

(b) The tax imposed pursuant to this section is a special tax for purposes of the California Constitution and Article 3.7 (commencing with Section 53720) of Chapter 4 of Division 2 of Title 5 of the Government Code.

43004. The net proceeds of the parcel tax specified in Section 43003 shall be distributed by the Santa Clara County Board of Supervisors or the Santa Clara County Office of Education for those purposes, and in the manner specified, in the local ordinance or resolution proposing the parcel tax.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the uniquely severe fiscal and program difficulties being suffered by educational entities in the County of Santa Clara.

~~amended to read:~~

~~60061. (a) A publisher or manufacturer shall do all of the following:~~

~~(1) Furnish the instructional materials offered by the publisher at a price in this state that, including all costs of transportation to that place, is lower than, or at a minimum does not exceed, the lowest price at which the publisher offers those instructional materials for adoption or sale to any state or school district in the United States.~~

~~(2) Automatically reduce the price of those instructional materials to any governing board to the extent that reductions are made elsewhere in the United States.~~

~~(3) Provide any instructional materials free of charge in this state to the same extent as that received by any state or school district in the United States.~~

~~(4) Guarantee that all copies of any instructional materials sold in this state are at least equal in quality to the copies of those instructional materials that are sold elsewhere in the United States, and are kept revised, free from all errors, and up to date as may be required by the state board.~~

~~(5) Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, or enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in this state.~~

~~(6) Maintain a representative, office, or depository in the State of California or arrange with an independently owned and operated depository in the State of California to receive and fill orders for instructional materials.~~

~~(7) Provide to the state, at no cost, computer files or other electronic versions of each state-adopted literary title and the right to transcribe, reproduce, modify, and distribute the material in braille, large print if the publisher does not offer a large print edition, recordings, American Sign Language videos for the deaf, or other specialized accessible media exclusively for use by pupils with visual disabilities or other disabilities that prevent use of standard instructional materials. Computer files or other electronic versions of materials adopted shall be provided within 30 days of request by the state as needed for the purposes described in this subdivision as follows:~~

~~(A) Computer files or other electronic versions of literary titles shall maintain the structural integrity of the standard instructional materials, be compatible with commonly used braille translation and speech synthesis software, and include corrections and revisions as may be necessary.~~

~~(B) Computer files or other electronic versions of nonliterary titles, including science and mathematics, shall be provided when technology is available to convert those materials to a format that maintains the structural integrity of the standard instructional materials and is compatible with braille translation and speech synthesis software.~~

~~(b) Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, the publisher or manufacturer shall be liable to the governing board in the amount of three times the total sum that the publisher or manufacturer was paid in excess of the price required under paragraphs (1), (2), and (5) of subdivision (a), and in the amount of three times the total value of the instructional materials and services that the governing board is entitled to receive free of charge under subdivision (a).~~

~~SEC. 2. Chapter 1.5 (commencing with Section 60150) is added to Part 33 of the Education Code, to read:~~

~~CHAPTER 1.5.— INSTRUCTIONAL MATERIALS COST EFFECTIVENESS
ADVISORY COMMITTEE~~

~~60150. (a) The Instructional Materials Cost Effectiveness Advisory Committee is hereby established to advise the Superintendent of Public Instruction and the State Board of Education on the pricing and purchase of instructional materials. The advisory committee shall make recommendations to the Superintendent of Public Instruction and to the State Board of Education, at least once in each fiscal year, that are consistent with the requirements of this part and ensure that the state and local school districts receive maximum value when purchasing textbooks and other instructional materials.~~

~~(b) The Instructional Materials Cost Effectiveness Advisory Committee shall examine the state's process for purchasing instructional materials including the process for adoption of elementary and secondary school materials pursuant to this part, and the obligations of publishers or manufacturers pursuant to Section 60061, and shall make recommendations to the Superintendent of Public Instruction and the State Board of Education to improve the process and obtain high quality instructional materials for California schools at the lowest possible price. At a minimum, the advisory committee shall examine all of the following:~~

~~(1) Increases in the cost of instructional materials over time determining, to the extent possible, the amount of increases that can be attributed to general increases in the cost of living and the amount of increases that can be attributed to the revision in state specifications for materials.~~

~~(2) Technology, including, but not limited to, electronic media or alternative formats, that may allow instructional materials to be acquired for lower costs or allow materials to be made more available to pupils at no increased cost.~~

~~(3) The potential for reducing instructional materials costs by bulk purchasing or purchasing the rights to reproduce materials.~~

~~(4) The potential for establishing an indexed maximum price schedule prior to initiating the adoption process.~~

~~(5) The potential for reducing instructional materials costs by purchasing less durable materials more frequently.~~

~~(6) Cost containment or reduction practices that may be used in other purchases of instructional materials.~~

~~(7) Any means by which California schools may obtain more or better quality instructional materials at the lowest possible costs.~~

~~60151. (a) The Instructional Materials Cost Effectiveness Advisory Committee shall be composed of 13 members, as follows:~~

~~(1) The Superintendent of Public Instruction, or the superintendent's designee.~~

~~(2) The President of the State Board of Education, or the president's designee.~~

~~(3) The Chairperson of the Senate Committee on Education, or his or her designee.~~

~~(4) The Chairperson of the Assembly Committee on Education, or his or her designee.~~

~~(5) The Vice Chairperson of the Senate Committee on Education, or his or her designee.~~

~~(6) The Vice Chairperson of the Assembly Committee on Education, or his or her designee.~~

~~(7) One representative of the Legislative Analyst's Office.~~

~~(8) The Director of Finance, or his or her designee.~~

~~(9) Five members, chosen by the Superintendent of Public Instruction, to include:~~

~~(A) One public school teacher.~~

~~(B) One member of a governing board of a school district.~~

~~(C) One public school administrator.~~

~~(D) One parent of a public school pupil.~~

1 ~~(E) One public school pupil, or former pupil who was a public~~
2 ~~school pupil within two years of appointment to the advisory~~
3 ~~committee.~~

4 ~~(b) The members of the advisory committee shall serve without~~
5 ~~compensation for a renewable term that, except for ex officio~~
6 ~~members, may not exceed two years.~~

7 ~~(c) The State Department of Education staff shall assist the~~
8 ~~State Board of Education and the advisory committee.~~

9 ~~(d) It is the intent of the Legislature that the members of the~~
10 ~~advisory committee have experience and knowledge working with~~
11 ~~California's diverse pupil population and urban and rural areas of~~
12 ~~the state and its members shall be selected from populations that~~
13 ~~reflect the diverse population of the state, to the extent possible.~~

14 ~~SEC. 3. Section 60200.9 is added to the Education Code, to~~
15 ~~read:~~

16 ~~60200.9. (a) Prior to adopting criteria for adoption of~~
17 ~~instructional materials pursuant to Section 60200, the State Board~~
18 ~~of Education shall estimate the cost to purchase instructional~~
19 ~~materials that meet the requirements and specifications set forth in~~
20 ~~the criteria. Costs shall be estimated in the aggregate and on a per~~
21 ~~pupil or per teacher basis, as applicable, for pupil and teacher~~
22 ~~materials.~~

23 ~~(b) In estimating the costs pursuant to this section, the state~~
24 ~~board shall consider all of the following:~~

25 ~~(1) Current published catalog prices for comparable~~
26 ~~instructional materials.~~

27 ~~(2) Prices at which comparable instructional materials are~~
28 ~~offered for statewide adoption elsewhere in the United States.~~

29 ~~(3) The cost of comparable instructional materials previously~~
30 ~~adopted by the state board for the same subject and grade level.~~

31 ~~(4) Enhancements and modifications necessary to meet the~~
32 ~~requirements and specifications set forth in the adoption criteria.~~

33 ~~(5) Components and resources to be included in or provided~~
34 ~~with instructional materials.~~

35 ~~(6) Historical and anticipated changes in the cost of living~~
36 ~~index.~~

37 ~~(7) Other factors as deemed appropriate by the state board.~~

38 ~~(c) The estimated cost of instructional material as determined~~
39 ~~pursuant to this section shall be considered at a public hearing, or~~
40 ~~regular meeting, of the state board and shall be adopted by the state~~

- 1 ~~board in a separate resolution at or before the adoption of criteria~~
- 2 ~~for that instructional material.~~

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